

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1549.00 |
| COMPLAINT INVESTIGATOR: | Steve Starbuck |
| DATE OF COMPLAINT: | March 24, 2000 |
| DATE OF REPORT: | April 19, 2000 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | June 20, 2000 |

COMPLAINT ISSUES:

Whether the MSD of Washington Township violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide resource services between January 30 through February 24, 2000.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-12-1(k)(4) with regard to the school's alleged failure to specify in the IEP the length and frequency of special education services.

FINDINGS OF FACT:

1. The student is a nine-year-old, third grade student, who has been determined eligible for special education due to a hearing impairment and a communication disorder.
2. The IEP dated January 11, 2000, states the student shall receive resource room support three to four days a week to participate effectively in grade level programming. The parent alleges the school failed to provide this service from January 31, through February 24, 2000. The teacher of record provided a chronological listing of the dates the student received resource room support. In addition, teacher notes and a list of assignments that the student received assistance with from the teacher of record were provided. Based on this documentation, the student received resource room support three to four days per week from January 31, through February 24, 2000, as specified in the IEP of January 11, 2000.
3. The IEP dated January 11, 2000, states the student shall receive resource room support three to four days each week for 90 to 120 minutes per week. There is nothing in the IEP that specifies how the length and frequency of services, within this range, will be determined. In addition, the IEP does not denote that the student has unique needs that would indicate the necessity for listing the amount of services as a "range."

CONCLUSIONS:

1. Finding of Fact #2 reflects that the student received resource room support three to four days per week from January 31, through February 24, 2000, as specified in the IEP of January 11, 2000.

Therefore, no violation of 511 IAC 7-12-1 is found.

2. Finding of Fact #3 indicates that both the length and frequency for the resource room support service are given in a range without a means for determination of the amount of needed services or documentation that the student requires services to be delivered in such a manner. Therefore, a violation of 511 IAC 7-12-1(k)(4) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Washington Township shall:

1. Convene a case conference committee (CCC) meeting to review the length and frequency of resource room support services. The revised IEP will need to be specific as to frequency and length of services (e.g., one time per week for 30 minutes). The frequency and length should not be listed as a "range" unless the CCC determines the student has unique needs that require services to be delivered in such a manner. Should this determination be made, the revised IEP will need to reflect this reason and how the amount of services will be determined. Submit the revised IEP and CCC Summary Report to the Division no later than May 22, 2000.
2. In-service all appropriate staff concerning the subject of specifying frequency and length of special education services in an IEP. The in-service training should include reference to the memorandum dated February 10, 2000, to special education directors from the state director of special education regarding the recording of length and frequency of services in IEPs. Submit documentation to the Division that this has been completed no later than May 22, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: April 19, 2000